

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

TRUE THE VOTE, *et al.*,
Plaintiffs,

v.

THE HONORABLE DELBERT
HOSEMANN, in his official capacity
as Secretary of State for the State
of Mississippi, *et al.*,
Defendants.

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C.A. NO. 3:14-CV-532-NFA

ORDER

Before the Court is Plaintiffs’ Motion to Strike [Doc. # 57] (“Motion”), to which Defendant The Honorable Delbert Hosemann (“Hosemann”) has responded [Doc. # 73]. Plaintiffs have requested an expedited ruling on their Motion. *See* Letter to Court, dated July 31, 2014 [Doc. # 63], at 2.


In their Motion, Plaintiffs “move to strike the motion to dismiss” from Hosemann’s Answer [Doc. # 52], on the grounds that the Local Rules of the Southern District of Mississippi do not permit a Defendant to raise a motion within the body of an answer. Motion, at 2. In Response, Hosemann contends that his Answer is not a motion to dismiss and was never intended to be a motion. *See* Response [Doc. # 73], at 1 (“The Secretary’s answer is not a motion, is not styled as a motion, is not

docketed as a motion, and is not intended to be a motion.”). The parties therefore agree that Hosemann’s request embedded in his Answer that the Court should “dismiss [P]laintiffs’ complaint with prejudice,” *see* Answer, at 14, is not a “motion to dismiss,” and Plaintiffs’ Motion to strike that statement is moot. The Court will not treat the statement as a separately-filed motion and Plaintiffs are not required to file a response in opposition to that statement.

For these reasons, it is hereby

ORDERED that Plaintiffs’ Motion to Strike [Doc. # 57] is **DENIED AS MOOT**.

Signed at Houston, Texas, this 6th day of **August, 2014**.



Nancy F. Atlas
United States District Judge